

## STATE OF MICHIGAN



## 52-3 JUDICIAL DISTRICT COURT

LISA L. ASADOORIAN  
DISTRICT JUDGE

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May 15, 2007

State Representatives Francis Amos, Pam Byrnes, Paul Condino, Craig DeRoche, Marie Donigan, John Garfield, Ted Hammon, Robert Jones, Rick Jones, Marty Knollenberg, David Law, Kathleen Law, Jim Marleau, Mark Meadows, Andrew Meisner, Tim Melton, Chuck Moss, Gino Polidori, John Stakoe, Aldo Vagnozzi, Chris Ward

Dear State Representative,

Please accept this letter as strong opposition to your proposed House Bill No. 4725 regarding remedy for jail overcrowding. Due to the lack of formal notice of the May 14<sup>th</sup>, 2007 hearing date, I am unable to cancel my docket and appear personally. Additionally, it has come to my attention that you believe this bill has the support of the Oakland County District Judges' Association. As a member of this association, I have to date never been notified of any vote-taking action and therefore, was denied the opportunity to voice my objection. Further, there are several other district judges who also oppose this bill. For these reasons, on behalf of the 140,000 citizens whom I serve, I request that this letter be read into your committee record.

I have reviewed the proposed bill; its nine page presentation completely ignores those who suffer most at the hands of criminals: the victims. Whether intentional or not, the document neither mentions the word "victim", nor affords victims representation on any proposed committee or proposed management plan within the bill itself. Michigan's Crime Victims Rights Act (MCL 780.751) is rooted in recognizing a victim's voice at sentencing; your bill would serve to silence that same voice.

Presumably, your bill seeks to alleviate the jail overcrowding conditions currently experienced by some larger populated jurisdictions in our state. How? Early release to criminals does not translate into alleviating conditions of crime itself. In fact, it is likely a counter deterrent. Further, triggering this procedure at your proposed 95% jail population rate will only ensure that local jails are never full to capacity, and that those who should be occupying the jail cells are released early, simply to secure a permanent 5% empty bed allotment statewide. How is this bill promoting the issue of public safety?

More troubling is the bill's proposed "jail population management plan." The "plan" lacks any definition and/or parameters, and thus affords unfettered authority when reviewing lawful sentences and bonds. Further, there is no mention even as to what resources and information are to be considered (or not considered) when making such serious decisions. Again, no representation is given to those victims who suffer(ed) directly from the criminals and their actions.

In larger populated areas such as Oakland County, the jail system operates almost daily at 95% capacity. Upon passage of your proposed bill, prisoners incarcerated under legitimate and lawful sentence would be automatically freed from the jail each and every day. Under your section 9B1, that means that our chief judge would address this issue on a full time basis, scanning daily the names of nearly two thousand inmates for statutory release eligibility. Who would be seeking input from the victims or to at least provide them the courtesy of notice that they can no longer rely on the finality of their sentencing judge's order?

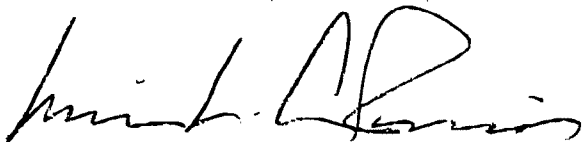
Please do not dismiss my position as a simple critic who offers no alternative viable solution. That is not my intent. I will state, however, that as a member of the judicial branch of government, it is not my responsibility to formulate any plan to alleviate jail overcrowding. I accept that, as a judge, I have no authority over state/local fiscal decision making. That is left to other branches of government. Likewise, the legislature should not statutorily tamper with any judge's use of judicial discretion. Judges should not be forced to sentence by the square foot.

House Bill No. 4725 sends a clear message to our citizens that in fact, crime does pay, and that Michigan can no longer afford to properly punish criminals. While some criminals are illiterate, when it comes to potential sentence reduction, they all seem to excel at math. Not only will your bill strip the victim of his/her cloak of security, but you will also simultaneously hand defendants calendar days, weeks and months of undeserved freedom.

I urge you to not make history in this fashion. Vote NO on House Bill No. 4725.

Thank you for your consideration; may God bless you and guide you in your decision making on this most important issue.

Respectfully Submitted,



Judge Lisa L. Asadoorian